

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

MINUTES OF THE REGULAR MEETING
OF THE FACULTY SENATE HELD ON
JANUARY 16, 2004 IN THE MARVIN CENTER, ROOM 310

Present: President Trachtenberg, Vice President Lehman, Registrar Geyer, and Parliamentarian Pagel; Deans Frawley, Phillips, and Tong, Professors Briscoe, Castleberry, Englander, Gallo, Garris, Griffith, Gupta, Harrington, Klarén, Marotta, Paratore, Paup, Robinson, Sell, Shambaugh, Simon, Swiercz, and Wirtz

Absent: Deans Futrell, Harding, Katz, Scott, Whitaker, and Young; Professors Cordes, Friedenthal, Lee, Packer, Watson, Wilmarth, and Zaghoul

The meeting was called to order by Executive Vice President for Academic Affairs Lehman at 2:12 p.m.

APPROVAL OF THE MINUTES

The minutes of the meeting held on December 12, 2003 were approved as distributed.

RESOLUTIONS

I. RESOLUTION (03/6), "A RESOLUTION TO RECOMMEND THE ESTABLISHMENT OF AN ELECTION AS OF RIGHT BY TENURE TRACK FACULTY WHO BECOME NEW PARENTS DURING THE PROBATIONARY PERIOD"

Vice President Lehman called on Professor Englander to introduce the Resolution, and he deferred to Professor Wirtz, who had served on the ad hoc committee originating the proposal. Professor Wirtz then briefed the Senate on the background of the Resolution. The issue originally arose, he began, in April, 1993, when the Vice President for Academic Affairs asked the Senate Executive Committee for advice in dealing with a faculty member's request for a partial leave accompanied by an extension of the tenure probationary period. Following a long series of committee meetings, deliberations, and consultation with Counsel, the Senate adopted a resolution in April or May of 1995 which amended a previously adopted resolution on faculty leave under such circumstances.

Professor Wirtz went on to say that Resolution 03/6 focuses not on the question of faculty leave, but on extension of the tenure probationary period, as a matter of right, for faculty members who become new parents. This proposal has been thoroughly vetted at the University and various constituencies have weighed in with comments and recommendations during the deliberations. Professor Wirtz then said that Professor Galston, who had chaired the ad hoc Committee originating the proposal, would brief the

Senate on further background of the Resolution. He concluded by saying that he thought the Senate owed a deep debt of gratitude to Professor Galston and the ad hoc Committee on which Colin Green, Susan Kaplan, Kathy Kennedy, Nicholas Paley, Pradeep Rau, and Annie Wooldridge had served. He further noted that Resolution 03/6 was sponsored by two Senate Committees: Appointment, Salary, and Promotion Policies (ASPP), and Professional Ethics and Academic Freedom (PEAF).

Professor Miriam Galston of the Law School began her presentation by explaining that the term "new parents" as used in Resolution 03/6 refers to any situation in which a faculty member either gives birth, adopts, or acquires a foster child, or in some other way becomes a primary guardian responsible for a child that they did not have before. The proposal covers both male and female new parents.

There were three reasons that the ad hoc Committee had unanimously and enthusiastically endorsed the tenure clock proposal. The first was the recognition that many of GW's market basket schools, and universities in the D.C. metropolitan area have adopted family friendly policies. Because these are important in recruiting (and possibly in retaining) faculty, GW cannot afford to be out of step with this trend. Secondly, the Committee believed that over the years, a consensus on this issue has emerged. This consensus has been reached by the various schools of the University, the Committee on the status of Women Faculty and Librarians, and the administration, and is one which has been reached in a measured and thoughtful way over an extended period of time.

Thirdly, Professor Galston said that everyone knows that there is extraordinary pressure on the University's faculty to meet increasingly demanding standards of excellence. The number of papers that faculty members have to produce before they receive tenure has increased, as have the requirements for speaking engagements and professional visibility. Given this change in the academic climate, Resolution 03/6, if adopted, would increase the ability of the University's junior faculty to achieve the high level of accomplishment that is increasingly being demanded.

In sum, Professor Galston said that the Committee believes that the tenure clock proposal strikes a balance between the sometimes competing needs of professional accomplishment and excellence on the one hand, and the requirements of family life when faculty become new parents, on the other. [President Trachtenberg assumed the Chair at this point in the meeting.]

Professor Galston then proposed a technical amendment to Resolution 03/6 which had been inadvertently omitted. She requested that the phrase "after consultation with the appropriate department chair (if applicable) and dean" be added to the next to the last sentence on page two of the Resolution. With this amendment, the language amending the Faculty Code in the last two sentences of the paragraph would be consistent. This amendment was adopted by unanimous consent.

Professor Sell asked Professor Galston if the Committee had considered the issue of a tenure clock extension for faculty taking a full or partial leave for family or personal reasons other than becoming new parents. Professor Galston responded that this issue was not part of the Committee's charge and the Committee believed it did not have jurisdiction over it.

Professor Wirtz said he wanted to give an opportunity to the Chairs of the ASPP and PEAFF Committees to speak to the Resolution if they so desired. Professor Englander expressed appreciation for Professor Galston's leadership, and the Committee's work, which was presented to the PEAFF Committee in a format that proved easy to review. The PEAFF Committee, he added, endorsed Resolution 03/6.

Discussion followed by Professors Ludlow, Swiercz, Gupta, Briscoe, and Vice President Lehman on various aspects of the Resolution. Professor Wirtz noted that although ways to broaden the Resolution had been explored, with respect to the proposal before the Senate there had been complete agreement and no controversy. The possibility of developing further proposals in the area of leave as it pertains to the tenure clock is under active consideration in the ASPP Committee, he added.

President Trachtenberg endorsed the Resolution by saying that he thought it a sensible, congenial, and family thing to do, and he urged the Senate to adopt it. He also thanked Professor Galston and the Committee for their work. The question was called on the Resolution, a vote was taken, and Resolution 03/6 was adopted, as amended, unanimously. (The Resolution is attached.)

Professor Griffith said that the issue of the length of time permitted for maternity leave comes up repeatedly in recruiting discussions, and he added that he hoped a task force might be established to examine the possibility that the University might adopt an enhanced policy in this area.

INTRODUCTION OF RESOLUTIONS

No resolutions were introduced.

GENERAL BUSINESS

I. NOMINATION FOR ELECTION TO SENATE STANDING COMMITTEES

Professor Robinson moved the nominations for the appointment of Professors Robert Donaldson and Michael King to the Physical Facilities Committee. Professor Griffith requested permission to add Professor Frederick Lindahl of the Accountancy Department to the Fiscal Planning and Budget Committee. His request was approved, and all of the nominations were approved.

II. REPORT OF THE EXECUTIVE COMMITTEE

Professor Robinson presented the Report of the Executive Committee, which is enclosed.

BRIEF STATEMENTS (AND QUESTIONS)

Professor Linda Gallo announced that the Senate's request that faculty be included in planning for use of the old hospital site had been honored, and that she and Professor Edward Cherian had been invited to participate in a planning exercise on January 8 with Executive Vice President and Treasurer Katz and representatives of the Staubach Company, which is the real estate advisory firm that has been retained to assist in plans for site development. She added that there will be additional opportunities to present faculty perspectives and goals for use of the site during the planning process as the firm will meet with members of the Board of Trustees, the faculty, and senior management. She added that the final decision will be made by the Board. Professor Gallo said she would be glad to relay any faculty input concerning the site's possible uses from the faculty to the planning group during the process. Of particular interest, she said, would be the possible inclusion in the project of a revenue producing component that has synergism with the University community.

President Trachtenberg said that the planning for this building initiative would be extraordinarily complex, as it raises many issues and questions internal to the University as the effort goes forward. The decision will also require the University to prioritize between space on the one hand, and money on the other. The site is arguably the largest and most consequentially placed piece of land in the city, and its location makes it a gateway to the University, which raises questions of architecture as well as utility. It is still true, he said, that a decision on development of the site has not been made, as thus far the University has not accumulated sufficient data to reach a rational decision. While the Staubach Company is accomplished and has a very good track record in its field, there are quite a number of issues to be researched, including the amount of square footage that might be constructed of right, zoning and possible variances which could alter the size of the building, architectural considerations, and not least, the use or uses to which the building will be put. The Staubach Company has begun the process of meeting with Board members, senior administrators, and faculty, and plans also to meet with neighbors in Foggy Bottom during the planning stage.

Discussion followed between Professor Griffith and the President about possible alternative uses for the site, from academic space, to a mix of academic and commercial space, or, at the other end of the spectrum, a commercial space which would provide the University with resources to develop academic space elsewhere on the campus. The President emphasized that use of the site is not purely a commercial transaction, and a decision would not be made before alternatives are carefully evaluated from the viewpoint of the University's best interests. Professor Griffith asked if there was a tentative time frame for the decision to be made, and the President responded that there was not as yet.

President Trachtenberg then discussed other important factors in reaching a decision on development of the site, not the least of which is consideration for the University's neighbors in the Foggy Bottom community and a planning process which he said he hoped the University could make maximally transparent, if that was possible. Another important consideration, he said, was in the selection of a firm to construct the building, as the project will be so immense it is unlikely the University can do this itself.

Already, a number of parties with close ties to the University have expressed interest in the project, and it is imperative, he emphasized, that decisions about the project be made fairly, equitably, and openly.

Professor Englander inquired if planning for the site might be impacted by the recent court order concerning providing housing for students on campus. The President responded that he did not think that the University would be compelled to build student housing on the old hospital site, but that the University would in some manner be required to demonstrate its intent/effort to comply with the residential requirements imposed for on campus housing. The President then gave an example of one such proposal, approved by municipal agencies, to build student housing on F Street, thus bringing the University into compliance with student housing requirements. That project has been stalled, as a federal agency also must approve the proposal, and modifications imposed by it would drastically reduce the number of beds in the facility, leaving the University once again out of compliance.

Professor Wirtz said that he did not know the extent to which faculty was experiencing difficulty as a result of the Blackboard outage of the past week. It was clear to him, he said, as one who has gotten actively involved, that the problem was at the Blackboard end, and not the fault of the University. He added that he would like to use the Senate minutes as a means of conveying to the faculty as a whole his interest in hearing from any faculty member who has been affected by the outage, so that the prevalence of the problem could be ascertained.

ADJOURNMENT

There being no further business before the Senate, a motion to adjourn was made and seconded. The meeting was adjourned at 3:07 p.m.

Dennis L. Geyer
Dennis L. Geyer
Secretary

**A RESOLUTION TO RECOMMEND THE ESTABLISHMENT OF AN ELECTION AS
OF RIGHT BY TENURE TRACK FACULTY WHO BECOME NEW PARENTS
DURING THE PROBATIONARY PERIOD (03/6)**

WHEREAS, it is the goal of the University to make clear to existing and future faculty members its firm commitment to academic excellence and policies supportive of the family life of its faculty; and

WHEREAS, many faculty members wish to start or enlarge families during the probationary period; and

WHEREAS, faculty members may find that becoming a parent for the first time or enlarging their families during the probationary period creates distractions that undermine their ability to teach, research, and write at their highest level; and

WHEREAS, it is the goal of the University, its Schools, and Departments to provide conditions that enable faculty members to attain a very high level of professional achievement prior to receiving tenure; **NOW, THEREFORE,**

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That a one-year extension of the probationary period shall be granted to requesting faculty who become parents of a newborn or adopted child during the probationary period; and
- (2) That this extension be available to any such faculty member, male or female, as of right for a period of twelve months after becoming a new parent, if elected on or before September 10 of the academic year in which the faculty member would be considered for tenure were it not for this extension; and
- (3) That such tenure clock extension may be elected regardless of whether the faculty member takes a full or partial leave in connection with becoming a new parent; and
- (4) That a faculty member who becomes a new parent a second time during the probationary period may request a second tenure clock extension, which request shall be considered by and granted or denied at the discretion of the Vice President for Academic Affairs.

- (5) That Section A.3.1 of Article IV ("Appointment, Reappointment, Tenure, and Promotion") of the Faculty Code be amended as follows:

a. Insert new sub-section "b.3" to read, "A one-year extension of the probationary period shall be granted to requesting faculty who become new parents and apply within twelve months of becoming new parents by submitting a request to the relevant academic officers setting forth his or her reason for requesting the extension. "New parents" for purposes of this provision are faculty members who become parents of a newborn or adopted child. The tenure clock extension may be elected regardless of whether the faculty member takes a full or partial leave in connection with becoming a new parent. However, no such request shall be granted if made after September 10 of the academic year in which the tenure decision would have been made by the department or school absent the extension requested. If a faculty member becomes a new parent a second time during the probationary period, a second tenure clock extension may be granted at the discretion of the Vice President for Academic Affairs, after consultation with the appropriate department chair (if applicable) and dean. Other requests for tenure clock extensions for family related purposes may be granted at the discretion of the Vice President for Academic Affairs, after consultation with the appropriate department chair (if applicable) and dean.

b. Change existing sub-section "b.3" to "b.4."

Senate Committee on Appointment, Salary, and Promotion Policies (ASPP)
Committee on Professional Ethics and Academic Freedom (PEAF)

December 11, 2003

Adopted, as amended, January 16, 2004

REPORT OF THE EXECUTIVE COMMITTEE

January 16, 2004

Lilien F. Robinson, Chair

ACTIONS OF THE EXECUTIVE COMMITTEE

As you may recall, The Hatchet reported that the administration had decided to set aside the proposed alternative academic calendar. At the time of this article and the December meeting of the Faculty Senate the faculty had no official notification to that effect. I am pleased to report that on December 18 I did receive President Trachtenberg's response. Let me quote the most important passages:

"I believe that change is inevitable here and elsewhere in American education. Tomorrow will not look like today. But I am persuaded by what the campus has said - that it is not agreeable to considering these issues further at this time. ... I accept that the faculty's current judgment is that 2004 is not the year to even study, much less implement, the changes proposed. I do hope we can all agree that when things calm down, we can return to evaluating what we do and how we do it. I look forward to working with colleagues on behalf of the University. All of us need to be committed to ensuring that we remain as viable in 2010 as we are in 2004. I thank everybody for their role in these endeavors."

The alternative academic calendar proposal was a critical issue for the University, and the faculty did carefully study it, responding unanimously in terms of its professional judgment. I extend sincere thanks for the intense effort on the part of the Educational Policy Committee, chaired by Paul Duff, the Research Committee, chaired by Bill Briscoe, the Fiscal Planning and Budgeting Committee, chaired by Bill Griffith, the Executive Committee, the work of the three schools in presenting and passing their resolutions, and the overwhelming number of faculty for their individual responses. I know that you and our colleagues throughout the University are heartened that the Administration has accepted the faculty's work.

The Executive Committee had also sent a letter to President Trachtenberg requesting that faculty, including a representative of the Faculty Senate, participate in discussions regarding future usage and construction on the old GWU Hospital site. I am pleased to report that at President Trachtenberg's invitation, Professor Linda Gallo, Chair of the Physical Facilities Committee and Professor Edward Cherian of the School of Business and Public Management participated in a meeting on this matter on January 8th with University administrators and a consultant to the University.

I would also like to report that following the Faculty Senate's expression of serious academic concerns with respect to the new class time bands, the matter was further discussed with Vice President Lehman. The essence of the Senate's discussion and the specific concerns expressed were shared with Associate Vice President Linebaugh, who has been in contact with faculty members and is working on addressing these issues.

FEBRUARY MEETING

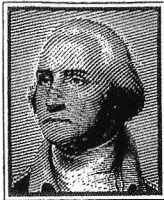
The Executive Committee anticipates that a resolution on the Conflict of Interest policy, presented by the Research Committee, will be on the agenda for the February Senate meeting.

The Executive Committee will be setting the agenda for the February meeting on January 30. Should you have resolutions, reports, or any other matters for the February meeting, please submit them prior to January 30.

ANNOUNCEMENTS

Please note that the forms for service on Faculty Senate Standing Committees and Administrative Standing Committees will be distributed shortly. I urge you to consider volunteering for service and to encourage your colleagues to participate in an activity which is at the core of faculty participation in University governance. As some of our newer colleagues may not be familiar with the specific activities and accomplishments of Senate Committees, it would be useful if you would provide them with such information.

We experienced a significant increase in the number of volunteers for committee service for the current session. The level of general faculty engagement, including that of newer faculty, in the governance process during the last two years has been extremely high. We need to sustain that level of involvement, and your assistance is essential.



THE GEORGE
WASHINGTON
UNIVERSITY
WASHINGTON DC

THE PRESIDENT

December 16, 2003

Professor Lilien Robinson
Chair
Executive Committee of the Faculty Senate
The George Washington University
CAMPUS

Dear Lilien:

For the past several years, winds of change and challenge have been buffeting American institutions of higher education. One of the most consequential agenda items has to do with the growing disparity between the cost of delivering a university degree and the price charged to students and their families. Increasingly, questions are being asked about the efficiency of universities. We hear inquiries from business people, legislators, government agencies, and also university administrators, faculty, and higher education associations from coast to coast. It's clear that universities are going to have to manage themselves better in ways that hopefully do not reduce academic quality or access from people of all races and socioeconomic groups. But efficiency is going to be a watchword in the next decade.

One of my goals as President of The George Washington University is to guide all three campuses as effectively as possible so that we may continue the momentum we have attained in the last decade, improving facilities, growing infrastructure, upgrading libraries and technology, and generally providing students a comprehensive range of academic opportunities. The recruitment and continuation of the most competent faculty and staff and the matriculation of the most apt students call for the investment of funds and oblige us to use what we have wisely and prudently. All of this, of course, is simply a reaffirmation of our University Strategic Plan.

About a year and a half ago, in part in response to my anticipation of the issues I've raised above and sensing the pressures of falling revenues and rising costs, I invited a committee of colleagues to study possible modifications to our calendar. I asked the former Director of the Fund for the Improvement of Postsecondary Education, also the former President of Colgate University and himself a professor of philosophy, Dr. Buddy Karelis, to chair the committee along with Dr. Walter Brown, who is a member of our School of Education faculty as a specialist in university administration. The committee was composed of faculty (said faculty put forward by the Faculty Senate) and appropriate administrators and students. This group reached out to the entire campus and invited in consultants from other universities over a period of months, reviewing the daunting issues that we are going to have to deal with and trying to find ways to mitigate their effect. The result of their deliberations was a very tentative and very contingent proposal that we consider going to a 4x4 course schedule and separately look at an obligatory summer semester.

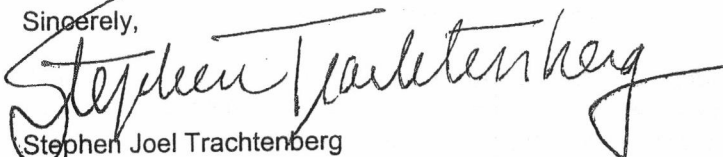
I want to thank all the members of this group for their industrious commitment, reviewing a very complex set of issues. Their report is detailed and thoughtful and addresses questions that were asked. I believe the ideas they proposed would, with greater study over time and a development of a strategic implementation mode, add value to our academic community by allowing faculty to teach courses in greater depth than is regularly done. I believe their ideas would have given students and faculty the opportunity to use the calendar year in a more effective way, and I am confident that our campus facilities would have been utilized more efficiently. I regret that the committee's proposals were not deemed persuasive enough to induce the faculty as a whole to

Professor Lilien Robinson
December 16, 2003
Page 2

study them further. I believe that change is inevitable here and elsewhere in American education. Tomorrow will not look like today. But I am persuaded by what the campus has said—that it is not agreeable to considering these issues further at this time.

I am convinced that we have a window of opportunity in which to prepare ourselves for what lies ahead. Between now and 2008 consequential demographic changes will transpire. As this week's Chronicle of Higher Education (December 19) informs us, economic indicators are daunting. Endowment returns are still modest. The ability—or rather the inability—of many students and their families to pay our tuition without additional financial aid is dismaying. We must devote ourselves to enhanced financial aid. Universities are noble institutions. They are not businesses. But they must conduct themselves in businesslike ways. Other sectors of our economy have addressed such agendas. Universities will not be exempt. I accept that the faculty's current judgment is that 2004 is not the year to even study much less implement the changes proposed. I do hope we can all agree that when things calm down, we can return to evaluating what we do and how we do it. I look forward to working with colleagues on behalf of the University. All of us need to be committed to ensuring that we remain as viable in 2010 as we are in 2004. I thank everybody for their role in these endeavors.

Sincerely,



Stephen Joel Trachtenberg
President

SJT/rlc

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

The Faculty Senate

January 8, 2004

The Faculty Senate will meet on Friday, January 16, 2004, at 2:10 p.m.,
in the Marvin Center, Room 310

AGENDA

1. Call to order
2. Approval of the minutes of the regular meeting of December 12, 2003, as distributed
3. Resolutions

**A RESOLUTION TO RECOMMEND THE ESTABLISHMENT OF AN
ELECTION AS OF RIGHT BY TENURE TRACK FACULTY WHO BECOME
NEW PARENTS DURING THE PROBATIONARY PERIOD (03/6); Professor
Ernest Englander, Chair, Committee on Professional Ethics and Academic Freedom
(Resolution 03/6 and Report are attached)**

4. Introduction of Resolutions
5. General Business:
 - (a) Nominees for election to Senate Standing Committees: Physical Facilities Committee: Professors Robert Donaldson and Michael King
 - (b) Report of the Executive Committee: Professor Lilien F. Robinson, Chair
6. Brief Statements (and Questions)
7. Adjournment

Dennis L. Geyer
Dennis L. Geyer
Secretary

**A RESOLUTION TO RECOMMEND THE ESTABLISHMENT OF AN ELECTION AS
OF RIGHT BY TENURE TRACK FACULTY WHO BECOME NEW PARENTS
DURING THE PROBATIONARY PERIOD (03/6)**

WHEREAS, it is the goal of the University to make clear to existing and future faculty members its firm commitment to academic excellence and policies supportive of the family life of its faculty; and

WHEREAS, many faculty members wish to start or enlarge families during the probationary period; and

WHEREAS, faculty members may find that becoming a parent for the first time or enlarging their families during the probationary period creates distractions that undermine their ability to teach, research, and write at their highest level; and

WHEREAS, it is the goal of the University, its Schools, and Departments to provide conditions that enable faculty members to attain a very high level of professional achievement prior to receiving tenure; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON
UNIVERSITY**

- (1) That a one-year extension of the probationary period shall be granted to requesting faculty who become parents of a newborn or adopted child during the probationary period; and
- (2) That this extension be available to any such faculty member, male or female, as of right for a period of twelve months after becoming a new parent, if elected on or before September 10 of the academic year in which the faculty member would be considered for tenure were it not for this extension; and
- (3) That such tenure clock extension may be elected regardless of whether the faculty member takes a full or partial leave in connection with becoming a new parent; and
- (4) That a faculty member who becomes a new parent a second time during the probationary period may request a second tenure clock extension, which request shall be considered by and granted or denied at the discretion of the Vice President for Academic Affairs.

- (5) That Section A.3.1 of Article IV ("Appointment, Reappointment, Tenure, and Promotion") of the Faculty Code be amended as follows:
- a. Insert new sub-section "b.3" to read, "A one-year extension of the probationary period shall be granted to requesting faculty who become new parents and apply within twelve months of becoming new parents by submitting a request to the relevant academic officers setting forth his or her reason for requesting the extension. "New parents" for purposes of this provision are faculty members who become parents of a newborn or adopted child. The tenure clock extension may be elected regardless of whether the faculty member takes a full or partial leave in connection with becoming a new parent. However, no such request shall be granted if made after September 10 of the academic year in which the tenure decision would have been made by the department or school absent the extension requested. If a faculty member becomes a new parent a second time during the probationary period, a second tenure clock extension may be granted at the discretion of the Vice President for Academic Affairs. Other requests for tenure clock extensions for family related purposes may be granted at the discretion of the Vice President for Academic Affairs, after consultation with the appropriate department chair (if applicable) and dean.
 - b. Change existing sub-section "b.3" to "b.4."

Senate Committee on Appointment, Salary, and Promotion Policies (ASPP)
Committee on Professional Ethics and Academic Freedom (PEAF)

December 11, 2003

I. Background

The Joint Administration/Faculty Senate Committee on the Tenure Clock ("the Committee") was established in April of 2002 by Donald R. Lehman, then Vice President for Academic Affairs, and Lilien F. Robinson, Chair, Faculty Senate Executive Committee. The Committee was charged with reviewing the existing policy of The George Washington University ("the University") relating to tenure clock extensions when a tenure-track faculty member becomes a parent, whether this results from a child being born to the faculty member or the member's spouse or through adoption. The Committee was asked to compare this policy to those at "market-basket" schools and to make recommendations, if necessary, so that the University will be competitive in the recruitment and retention of outstanding tenure-track faculty who wish to start or enlarge their families prior to being considered for tenure.

As part of this review, the Committee examined current tenure clock policies at the University's market-basket schools and at universities located in the Washington, D.C. metropolitan area. The Committee also reviewed intra-University correspondence (summarized below) relating to this topic. In addition, the Committee considered a draft of a Report prepared in 2002 by the University Committee on the Status of Women Faculty and Librarians ("UCSWFL") and made available to the Committee by the Office of the Vice President for Academic Affairs. This Report was especially useful because of its systematic and thorough analysis of family leave and tenure clock issues.

Over the past five years, there have been efforts at the School and administrative levels to craft leave and tenure clock policies in connection with family events affecting faculty at the University. The purpose of these efforts has been to develop clear and uniform practices throughout the University. In March of 1999, an ad hoc committee of the Elliott School of International Affairs ("ESIA") drafted a proposal for parental and maternity leave policy and related tenure clock extensions for ESIA faculty. The Dean's Council of ESIA "endorsed in principle" that committee's recommendations in May of that year. Also in the spring of 1999, the Dean's Oversight Hiring Committee of the Columbian School of Arts and Sciences ("CSAS") adopted a family leave and tenure clock proposal, which it conveyed to the Dean of CSAS in April of that year. The two Schools then sent these recommendations to the Vice President for Academic Affairs for his consideration. Several issues related to the recommendations needed to be addressed. As a result, throughout 2001 the Vice President for Academic Affairs worked with the Vice President for Human Resources, the General Counsel's Office, and the Council of Deans to resolve these issues.

Both sets of proposals sought to enlarge the rights of members of the respective Schools beyond those required by the Family and Medical Leave Act, which was enacted by the federal government in 1993 and the District of Columbia in 1991. The proposals of both Schools included a one-time automatic tenure clock extension for one year at the request of a faculty member entitled to a family care or medical leave, although the terms of the two proposals were somewhat different.

In the fall of 2002 UCSWFL informed the Vice President for Academic Affairs of its decision to research family and medical leave issues as a prelude to making recommendations to the University. The final Report of this group was submitted to the Vice President for Academic

Affairs in the fall of 2002, after the Committee had completed its deliberations. However, as noted above, the Committee benefitted greatly from a draft version of the UCSWFL's analysis.

Current Policy of the University

The University's current policy regarding tenure clock extensions is contained in the Faculty Code, Article IV ("Appointment, Reappointment, Tenure, and Promotion"). According to subsection 3.1. b of Article IV,

[l]eaves for study toward a degree, leaves for military or for personal reasons, and defense leave shall not be included in this period. A partial leave for family or medically related purposes of sufficient duration may justify an appropriate partial extension of the probationary period.

The conditions for some leaves are described in Article VI ("Leave"), Section A.

When circumstances permit, for study or for any other valid reason, a leave of absence without salary, or a partial leave for family or medically related purposes with reduced salary, may be granted to a member of the faculty on approval of the department or other appropriate unit (if applicable), the appropriate dean(s), and the Vice President for Academic Affairs. Except for unpaid leaves of absence taken under the Family and Medical Leaves Acts, unpaid leaves shall not normally exceed two consecutive academic years, although under unusual circumstances additional unpaid leave may be taken.

Under the provisions of Article IV, above, leaves "for personal reasons" are automatically excluded from the pre-tenure term of service, whereas an extension of the tenure clock for leaves for "family or medically related purposes" is not automatic. Nothing in the Faculty Code or the Faculty Handbook elaborates any of these terms. Thus, the meaning of "personal reasons" is undefined, and there is no clue as to the difference between such reasons and "family or medically related purposes." As the text now stands, then, the contrast appears to be between full and partial leaves: a full leave for any reason deemed "personal" affords the faculty member a tenure clock extension as of right, whereas a partial leave for either of the two most significant categories of personal leave does not, although such a partial leave may in fact lead to a tenure clock extension at the discretion of unnamed authorities.

Under the provisions of Article VI, above, all leaves appear to be subject to the approval of the relevant department chair and dean, in addition to that of the Vice President for Academic Affairs. The Committee assumes, therefore, that such leaves are not of right, although military leaves and those required by law will presumably be granted automatically once a faculty member presents evidence that s/he has a military obligation or that his/her situation meets the terms of the applicable law.

Discussion

The Committee and several segments of the University community believe that the University's current policy relating to tenure clock extensions for new parents is inadequate for the reasons that follow. As a consequence, the Committee is recommending changes to the current policy as it applies to new parents. By "new parents" the Committee means faculty members who become parents of a newborn or adopted child, regardless of whether they are already parents of other children. The changes this Committee is recommending will apply without regard to whether the faculty member has taken or plans to take a leave of absence related to becoming a new parent.

First, it is extremely likely that the pre-tenure period will coincide with years in which untenured faculty members will want to start or enlarge a family. In some cases, however, they will perceive a conflict between this desire and achieving a high level of professional achievement prior to the tenure decision. As the UCSWFL draft notes, by the time individuals receive their doctorates and assume faculty positions at the University, they are approaching thirty years of age. Were they to postpone starting a family until they have met or are confident of meeting publication standards for tenure, they would be in their mid-thirties. To avoid contributing to situations in which untenured faculty face such alternatives, the Committee believes that the University should support a tenure clock extension policy that enables such faculty to elect to have an additional year during the probationary period if they become new parents.

Second, academic units at the University display an extraordinary degree of diversity in their size, composition, and place within the structure of the University. As a consequence, there exists a great diversity in their governance policies and practices. In many instances, this diversity enhances the quality of the academic units. However, the Committee believes that tenure clock extensions for new parents should be uniform across academic units. To achieve this purpose, the new parent extension should be as of right, rather than subject to the discretion of the heads of academic units.

Third, the extension should be for an entire year because at present tenure recommendations made by academic units are forwarded to the Executive Vice President for Academic Affairs by a date certain in the spring semester each year and, except in unusual cases, are reviewed and approved by the Trustees at their annual meeting at the end of the spring semester. We assume that tenure recommendations for faculty that have elected to extend the tenure clock will be forwarded at the same time as other tenure recommendations to preclude the possibility that they would be reviewed by the Executive Vice President and Trustees using standards other than those applicable to other candidates. There would, then, be no administrative reason to require tenure decisions for electing new parents to be made outside the

normal schedule. In addition, it is the Committee's belief that the period of disruption that justifies tenure clock extensions in the first place is likely to last at least one year. Thus, making new parent tenure clock extensions one year furthers the policy concerns underlying the Committee's tenure clock recommendation.

Fourth, a new parent should be entitled to one extension of right during the probationary period because of the underlying purpose to alleviate the impact of new family pressures on the ability of untenured faculty members to demonstrate their academic excellence during that time. Although the Committee recognizes that newborns may disrupt sleep and work in different ways than do older children who enter a family, it also believes that the potential disruption to a faculty member's life may be great enough to prevent the faculty member from engaging in high quality teaching, research, and writing. The Committee believes that, in such instances, the faculty member so affected should be entitled to elect a tenure clock extension.